

REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-3, 5, 7, 8, 11, 22, 24, 25, 29-31, 35 and 36 have been amended. Claims 6 and 34 have been canceled without prejudice. No claims have been added. Thus, claims 1-5, 7-33 and 35-38 are pending.

Claim Objections

The Office Action objects to claim 1 for alleged informalities related to redundancy of claim language. Applicants amend the passage of claim 1 cited in the above claim objection. The Office Action objects to claim 5 for alleged informalities related to a missing linking word. Applicants amend the passage of claim 5 cited in the above claim objection. Applicants respectfully submit that the amendments herein to claims 1 and 5 cure any alleged informalities. Therefore, Applicants respectfully request that the above claim objections be withdrawn.

35 U.S.C. §103(a) Rejections

Claims 1-4, 11, 13-16, 18-20, 22, 24-17, 29 and 30-32

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2005/0076228 of Davis et al. (hereinafter "*Davis*") in view of U.S. Patent Publication No. 2005/0204155 of Ravi et al. (hereinafter "*Ravi*"). For at least the following reasons, Applicants traverse the above rejection.

Applicants respectfully submit that each of the above rejected claims is not obvious in light of *Davis* and *Ravi*, based at least on the failure of the references to teach or suggest (emphasis added):

"...prior to any allowing of the requested secure connection, the embedded agent of the one of the clients **verifying that a platform of the one of the clients is not in a compromised state at a time before providing access** to the encrypted traffic flow, and

in response to the message requesting the secure connection and the verifying, the embedded agent of the one of the clients providing the key and an assertion that the one of the clients is not compromised to a verification entity on the network."

as variously recited in current independent claims 1, 11, 22 and 29. The claim amendments are supported in the original disclosure at least by FIG. 5 and by paragraphs [0049]-[0054] of the specification.

The Office Action (e.g. page 11, lines 1-11) admits that *Davis* and *Ravi* fail to teach or suggest an embedded agent providing a key and an assertion that the client is not compromised to a verification entity on the network. Necessarily then, *Davis* and *Ravi* must also fail to more particularly teach or suggest that any such providing is **in response to the embedded agent verifying** that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow. Accordingly, each of independent claims 1, 11, 22 and 29 is non-obvious in light of *Davis* and *Ravi*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1-4, 11, 13-16, 18-20, 22, 24-17, 29 and 30-32 based on *Davis* and *Ravi* be withdrawn.

Claims' non-obviousness in view of Davis, Ravi and Cromer

Instead of *Davis* and/or *Ravi*, the Office Action relies upon paragraphs [0048] and [0056] of U.S. Patent Publication No. 2005/0166213 of Cromer et al. (hereinafter "*Cromer*") as allegedly disclosing an embedded agent providing a key and an assertion that the client is not compromised to a verification entity on a network. The relied-upon passages of *Cromer* relate to a discussion of a "troubleshooter" computer sending a modified wake-on-LAN ("WOL") packets to a remote client to wake the remote client from a powered-off state. See also, e.g. *Cromer* para. [0023]. The remote client of *Cromer* includes verification instructions 635 "to ensure that the integrity of the computer system is 607 is not compromised by an unwanted intruder...." See, e.g. *Cromer* para. [0048]. More particularly, an execution of the verification instructions by the remote client "queries the integrity of the received, modified WOL packet(s)" (*Cromer*, para. [0056]) to look for an indication that the modified WOL packets and/or the troubleshooter has authority to perform particular management actions. The additional

data in the modified WOL packets received by the remote client is stored by the remote client depending on **whether the query of the WOL packets indicates** such authority exists. See, e.g. *Cromer* para. [0056]-[0057].

However, nothing in *Cromer* indicates whether or how any alleged providing of a key and an assertion might be conditioned upon **actually verifying** whether a platform of **the remote client is in a compromised state** at a particular time. As Applicants understand *Cromer*, nothing in **the querying of a WOL packet** by the remote client in *Cromer* **actually verifies** whether (or not) **the remote client itself** is in a compromised state. Although querying WOL packets with the remote client in *Cromer* may avoid a **prospective attack** on the remote client using the WOL packets, *Cromer* fails to address, for example, the possibility that the remote client may **already be compromised**, and may pose a security threat to a larger network if connected thereto. *Cromer* fails to verify whether (or not) the remote client is in a compromised state, either by querying WOL packets or by any other mechanism discussed in the reference.

By contrast, current independent claims 1, 11, 22 and 29 variously recite an embedded agent of a client verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow, and in response to the verifying, the embedded agent providing a key and an assertion that client is not compromised to a verification entity on a network. Accordingly, each of independent claims 1, 11, 22 and 29 is also non-obvious in light of *Davis*, *Ravi* and *Cromer*, as are any claims depending therefrom. The Office Action does not offer any of the other references as teaching or disclosing this claim limitation, and Applicants respectfully submit that no combination of the cited references teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow. For at least the foregoing reasons, Applicants again request that the above 35 U.S.C. §103(a) rejection of claims 1-4, 11, 13-16, 18-20, 22, 24-17, 29 and 30-32 based on *Davis* and *Ravi* be withdrawn.

Claims 5 and 33

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claim 1 and 29 above, and further in view of U.S. Patent Publication No. 2005/0076228 of Yokota et al. (hereinafter "*Yokota*"). For at least the following reasons, Applicants traverse the above rejection.

In rejecting the above claims, the Office Action fails to provide any new basis for *Yokota* teaching or suggesting those limitations of current independent claims 1 and 29 which are demonstrated above to be non-obvious in view of *Davis* and *Ravi*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Yokota* teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow.

Accordingly, each of independent claims 1 and 29 is non-obvious in light of *Davis*, *Ravi* and *Yokota*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. § 103(a) rejection of claims 5 and 33 based on *Davis*, *Ravi* and *Yokota* be withdrawn.

Claims 6-8 and 34-36

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claim 1 and 29 above, and further in view of U.S. Patent Publication No. 2005/0166213 of Cromer et al. (hereinafter "*Cromer*"). Claims 6 and 34 are canceled herein, rendering moot the above rejection as applied thereto. For at least the following reasons, Applicants traverse the above rejection as applied to pending claims 7, 8, 35 and 36

In rejecting the above claims, the Office Action fails to provide any new basis for any of the above references teaching or suggesting those limitations of current independent claims 1 and 29 which are demonstrated above to be non-obvious in view of *Davis*, *Ravi* and *Cromer*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Cromer* teaches or suggests an embedded agent of a client providing a key and

an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow.

Accordingly, each of independent claims 1 and 29 is non-obvious in light of *Davis*, *Ravi* and *Cromer*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of pending claims 7, 8, 35 and 36 based on *Davis*, *Ravi* and *Cromer* be withdrawn.

Claims 9 and 37

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claim 1 and 29 above, and further in view of U.S. Patent Publication No. 2002/0163920 of Walker et al. (hereinafter "*Walker*"). For at least the following reasons, Applicants traverse the above rejection.

In rejecting the above claims, the Office Action fails to provide any new basis for any of the above references teaching or suggesting those limitations of current independent claims 1 and 29 which are demonstrated above to be non-obvious in view of *Davis* and *Ravi*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Walker* teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow.

Accordingly, each of independent claims 1 and 29 is non-obvious in light of *Davis*, *Ravi* and *Walker*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 9 and 37 based on *Davis*, *Ravi* and *Walker* be withdrawn.

Claims 10, 17, 28 and 38

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claim 1, 11, 22 and 29 above and

further in view of U.S. Patent No. 6,782,474 of Ylonen (hereinafter "*Ylonen*"). For at least the following reasons, Applicants traverse the above rejection.

In rejecting the above claims, the Office Action fails to provide any new basis for any of the above references teaching or suggesting those limitations of current independent claims 1, 11, 22 and 29 which are demonstrated above to be non-obvious in view of *Davis* and *Ravi*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Ylonen* teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow.

Accordingly, each of independent claims 1, 11, 22 and 29 is non-obvious in light of *Davis*, *Ravi* and *Ylonen*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 10, 17, 28 and 38 based on *Davis*, *Ravi* and *Ylonen* be withdrawn.

Claims 12 and 23

These claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claims 11 and 22 above, and further in view of U.S. Patent Publication No. 2004/0225885 of Grohoski et al. (hereinafter "*Grohoski*"). For at least the following reasons, Applicants traverse the above rejection.

In rejecting the above claims, the Office Action fails to provide any new basis for any of the above references teaching or suggesting those limitations of current independent claims 11 and 22 which are demonstrated above to be non-obvious in view of *Davis* and *Ravi*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Grohoski* teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow. Accordingly, each of independent claims 11 and 22 is non-

obvious in light of *Davis*, *Ravi* and *Grohoski*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 12 and 23 based on *Davis*, *Ravi* and *Grohoski* be withdrawn.

Claim 21

Claim 21 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Davis* in view of *Ravi*, as applied to claim 29 above, and further in view of U.S. Patent Publication No. 2005/0201554 of Kramer et al. (hereinafter “*Kramer*”). For at least the following reasons, Applicants traverse the above rejection.

In rejecting the above claims, the Office Action fails to provide any new basis for any of the above references teaching or suggesting those limitations of current independent claim 11 which are demonstrated above to be non-obvious in view of *Davis* and *Ravi*. Applicants respectfully submit that no combination of *Davis*, *Ravi* and *Kramer* teaches or suggests an embedded agent of a client providing a key and an assertion to a verification entity in response to the embedded agent verifying that a platform of the client is not in a compromised state at a time before providing access to an encrypted traffic flow.

Accordingly, independent claim 11 is non-obvious in light of *Davis*, *Ravi* and *Kramer*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claim 21 based on *Davis*, *Ravi* and *Kramer* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-5, 7-33 and 35-38 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 09, 2008

/Dermot G. Miller/
Dermot G. Miller
Attorney for Applicants
Reg. No. 58,309

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778